

COMMITTEE RESOLUTION AMENDING
COMMITTEE REGULATIONS TO PERMIT
OFFICIALLY-SANCTIONED COMPETITIONS

BUSINESS MEETING
BEFORE THE
COMMITTEE ON HOUSE
ADMINISTRATION
HOUSE OF REPRESENTATIVES
ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

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OCTOBER 27, 2015



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Printed for the use of the Committee on House Administration



Available on the Internet:
<http://www.gpoaccess.gov/congress/house/administration/index.html>

U.S. GOVERNMENT PUBLISHING OFFICE

97-427

WASHINGTON : 2015

For sale by the Superintendent of Documents, U.S. Government Publishing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2104 Mail: Stop IDCC, Washington, DC 20402-0001

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COMMITTEE RESOLUTION AMENDING COMMITTEE REGULATIONS TO PERMIT OFFICIALLY-SANCTIONED COMPETITIONS

TUESDAY, OCTOBER 27, 2015

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC.

The Committee met, pursuant to call, at 11:01 a.m., in Room 1310, Rayburn House Office Building, Hon. Candice S. Miller [chairman of the Committee] presiding.

Present: Representatives Miller, Harper, Nugent, Davis, Comstock, Walker, and Vargas.

Staff Present: Sean Moran, Staff Director; John Clocker, Deputy Staff Director; Bob Sensenbrenner, Deputy General Counsel; Cole Felder, Counsel; Nick Hawatmeh, Counsel; John L. Dickhaus, Legislative Clerk; Erin McCracken, Communications Director; Jamie Fleet, Minority Staff Director; Matt Pinkus, Minority Senior Policy Advisor; Khalil Abboud, Minority Deputy Staff Director/Director of Legislative Operations; Mike Harrison, Minority Chief Counsel; and Eddie Flaherty, Minority Chief Clerk.

The CHAIRMAN. I now call to order the Committee on House Administration for today's Committee meeting. A quorum is present, so we may proceed. The meeting record will remain open for 5 legislative days so that members might submit any materials that they wish to be included herein.

The resolution before the Committee today is to authorize officially-sanctioned academic competitions aimed at students in each Members' congressional district. This resolution would modify the Members' Congressional Handbook to permit offices, in conjunction with other organizations, to conduct academic or civic competitions similar to the art competition. More specifically, the resolution would also allow offices to use specific official congressional resources to assist those competitions.

Having just concluded my office's official annual art competition, which included hundreds of high school students from across my district, I can certainly attest to the value of these academic competitions.

First, these competitions give Members of Congress an opportunity to highlight the achievements and talents of young students in their districts. Every year, I am absolutely amazed by the artwork created by the students in my district and so many others, and I look forward to seeing each year's artwork display in the

Cannon tunnel. It is certainly a great testament to the talent and diversity of young artists in this country.

As well, the Congressional app competition, which just started last year, brought in a wide array of submissions that demonstrated a high level of skill as well as promise for participating students seeking careers in STEM—science, technology, engineering, and mathematics fields—which are in high demand and very important to today’s global economy. Equally important is the inspiration these types of academic challenges provide young men and women our future leaders.

Whether it is art or science or technology, these competitions are beneficial for students and help spark an interest in various fields that help them with their own professional development. They also facilitate greater community engagement, pulling the academic community together with parents and professionals, who together help students hone their talents and realize their full potential. These are great competitions that I know so many Members are proud to host.

As I mentioned, the resolution the Committee is considering today will help facilitate the continuation and expansion of these competitions by allowing Member offices, in conjunction with other organizations, to use their resources to host them in their districts.

With that, I would recognize Mr. Vargas, who is here for our ranking member this morning, if he has any opening statement.

Mr. VARGAS. I do. And thank you very much, Madam Chairwoman. Thank you, again, for considering this Committee resolution and for holding this markup this morning. I am filling in for our ranking member, who was unavoidably detained. So I ask unanimous consent to have his statement entered into the record.

The CHAIRMAN. Without objection.

[The information follows:]

Official Statement for the Record - Ranking Member Robert A. Brady

Madam Chairman, thank you for considering this committee resolution providing for changes to Committee on House Administration regulations concerning academic competitions. House Resolution 77, adopted in the 113th Congress, gave the Committee authority to establish and regulate certain House competitions. In 2014, the House held an inaugural academic competition focused on the much in demand fields of science, technology, engineering, and math (STEM). This STEM competition sought to engage students across the country by challenging them to create applications (apps) for use on mobile, tablet, or other devices. In doing so, the app challenge focused on modern day solutions to modern day needs while developing the skills of a future generation.

For an inaugural year and with very few resources at its disposal, the House STEM Competition yielded successful and innovative entries, albeit on a limited scale. Unfortunately, the type of expertise and support is beyond the means of many Congressional offices. However, the need to develop this type of talent has never been greater. Modeling new regulations on the structure of the long-running Congressional Art Competition, House Administration Committee staff on both the Democratic and Republican side, in conjunction with staff of the Ethics Committee, were able to find reasonable accommodation for outside sponsorship

of challenges such as the STEM Competition. The result of those discussions is presented before us today.

These newly-established regulations not only provide for appropriate outside support of an officially-sanctioned competition; but also establish a bi-partisan process by which such competitions are formed. Safeguards are also put in place to ensure the activities of sponsors fall within the expectations and rules of the House. We have provided clarity on use of official resources and a process for seeking ethics waivers for solicitation. Importantly, we have prohibited use of campaign funds in conjunction with these competitions.

I believe these changes will not only provide clarity to how an officially-sanctioned competition operates; but also, allows for more Members to participate. I urge members to support the resolution.

Mr. VARGAS. Thank you. Thank you, Madam Chair.

I urge the Committee to adopt this resolution. After last year's inaugural STEM competition, we decided that we wanted to make changes to improve the contest, making it more meaningful for the contestants and enabling more Members' offices to participate. In approving these regulations, we have done just that. Because of this work, this year's competition is poised to even be better, as we have included provisions allowing for technical support and advice that might otherwise be unavailable to some Members.

We have worked with the Ethics Committee to make the rules around officially-sanctioned competitions compliant with all rules of the House. This work will create a path forward for others who have similar ideas about how to engage constituents.

Madam Chairman, I would like to thank you and your staff for your hard work on this, and I urge adoption of the resolution.

The CHAIRMAN. I thank the gentleman.

Are there any other members of the Committee that wish to be recognized for a statement?

Therefore, I will now call before the Committee our first agenda item, Committee Resolution 114, which is the Committee resolution amending the Committee's regulations to permit officially-sanctioned competitions.

Without objection, the first reading of the resolution is dispensed with and the resolution is considered read and open for amendment at any point.

[The information follows:]

Committee Resolution 114-__

Resolved that, the Committee on House Administration adopts the following regulations:

Sec. 1

Committee Resolution 113-6 is hereby repealed.

Sec. 2

In the regulations collectively known as the “Members’ Congressional Handbook” in the section “Advertisements,” strike “House STEM Competition,” and replace with “Officially-sanctioned Competitions.”

Sec. 3

Insert the following as a new section after “Official Meetings” in the regulations collectively known as the “Members’ Congressional Handbook”:

Officially-sanctioned Competitions

Officially-sanctioned competition means an academic or civic competition designed for participation by each congressional office, in which entry is limited to the district constituents of each respective participating congressional office; and that meets the requirements described below, as determined by the Chair and Ranking Member of the Committee on House Administration at the beginning of each Congress. Note: Nothing in these regulations changes the status of the Artistic Discovery Competition.

The Chair and Ranking Member of House Administration shall maintain a list of officially-sanctioned competitions for use by Members and available for public inspection.

Requirements for Determination as an Officially-sanctioned Competition

The Chair and Ranking Member of House Administration may determine that an academic or civic competition is an officially-sanctioned competition if the following guidelines and restrictions are met:

- 1) A bi-partisan request for an officially-sanctioned competition must be submitted in writing by the leadership of a registered Congressional Member Organization to the Chair and Ranking Member of House Administration.
- 2) The competition must be sponsored by non-congressional person or organization (sponsor). The sponsor and participating Member agree that the winner of a participating Member's competition may not be a relative of that Member, or a relative of any official employee of that Member. For purposes of this prohibition, "relative" is defined in the same manner as House Rule XXIII, clause 8(c) (3).
- 3) The sponsor agrees not to use the Official Seal of the U.S., the U.S. House of Representatives, or the U.S. Congress in its communications.
- 4) The sponsor agrees that all technical assistance with the competition provided to the sponsor shall be available equally to all entrants of the competition.
 - a. Technical assistance with the competition may include equipment for use by and mentoring of entrants of the competition.
 - b. Technical assistance shall *not* be directed to the participating Member's office; instead, it should be directed to the entrants of the competition.
 - c. Technical assistance provided directly to each entrant must be equally available to each entrant regardless of the number of individual entrants per participating Member.

- 5) The sponsor agrees that all prizes for the entrants and winners of the competition provided to the sponsor shall be distributed equally to all competition entrants and winners, respectively.
 - a. Prizes for the entrants and winners of the competition may include travel expenses for the winner and a parent/guardian to attend an unveiling or awards ceremony in Washington, D.C., scholarships, tangible items, and cash or cash equivalents.
 - b. Prizes shall not be directed to the participating Member's office; instead, it should be directed to the entrants and winners of the competition.
 - c. Prizes provided directly to each entrant must be equally distributed to each entrant regardless of the number of individual entrants per participating Member.
- 6) The sponsor agrees that all other assistance provided to the sponsor for support of the competition shall be made available equally amongst the participating Member offices.
 - a. Other assistance may include advertising or other promotional activities.
 - b. All other assistance shall not be directed to the participating Member's office; instead, it should be directed to the competition entrants or businesses involved in the competition.
- 7) Each participating Member must retain ultimate control over the determination of a winner of a competition in his or her name, or in the name of his or her congressional district.
- 8) Each participating Member must agree to direct any donations in the form of (a) technical assistance with the competition, or (b) prizes for the entrants and winners of the competition, to the sponsor if the value of the donation or donations from a single source is more than \$50. The sponsor is obligated to distribute such donations equally to the competition entrants and winners of all participating Member offices.
- 9) Participating Members may not use principal campaign funds to support an officially-sanctioned competition.

Use of Official Resources to Support an Officially-sanctioned Competition

A Member may use the MRA in a limited fashion to support officially-sanctioned competitions.

The following resources may be used in support of an officially-sanctioned competition:

- 1) The Frank, provided the content of such communication is frankable;
- 2) Advertisements that are otherwise compliant with Handbook and Franking regulations;
- 3) Food and Beverage expenses that are otherwise compliant with Handbook regulations;
- 4) Rental of rooms, chairs, and audio systems that are otherwise compliant with Handbook regulations;
- 5) Gifts and donations that are otherwise compliant;
- 6) Staff time and the use of incidental resources;
- 7) Use of letterhead and official seal of the House by the Member Office, provided such letterhead and seal are not used for solicitations;
- 8) Mileage; and
- 9) Member official web site and social media.

Solicitation of Donations to Support an Officially-sanctioned Competition

A Member may only solicit donations (including in-kind) on behalf of the officially-sanctioned competition if the Member first receives written approval from the Committee on Ethics.

Resolved Further, the Chairman of the Committee is authorized to make technical and conforming modifications to the Members Handbook, and to make other modifications with the concurrence of the Ranking Minority Member of the Committee and notification to all members of the Committee. In the event changes

are made pursuant to this clause, the Chairman shall notify all congressional offices by suitable means.

The CHAIRMAN. This resolution, as we have discussed, would modify the Members' Congressional Handbook to permit offices, in conjunction with other organizations, to conduct academic or civic competitions similar to the art competition.

Mr. Vargas, do you have any comment on the resolution?

Mr. VARGAS. I do not.

The CHAIRMAN. Any other member?

Then I would move that the Committee adopt the Committee resolution. And the question is on the motion to adopt the resolution.

I would ask all the members who are in favor of the motion, signify by saying aye.

Opposed, say nay.

In the opinion of the chair, the ayes have it, the ayes have it. The motion is agreed to.

Without objection, the motion to reconsider is laid upon the table.

I would also ask unanimous consent to enter into the record an advisory opinion that Mr. Brady and I have received from the Committee on Ethics concerning these regulations.

Without objection, so ordered.

[The information follows:]

Charles W. Dent, Pennsylvania
Chairman
 Linda T. Sánchez, California
Ranking Member

Patrick Meehan, Pennsylvania
 Trey Gowdy, South Carolina
 Susan W. Brooks, Indiana
 Kenny Marchant, Texas

Michael E. Capuano, Massachusetts
 Yvette D. Clarke, New York
 Ted Deutch, Florida
 John B. Larson, Connecticut



ONE HUNDRED FOURTEENTH CONGRESS

U.S. House of Representatives

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September 30, 2015

The Honorable Candice S. Miller
 U.S. House of Representatives
 320 Cannon House Office Building
 Washington, DC 20515

The Honorable Robert A. Brady
 U.S. House of Representatives
 102 Cannon House Office Building
 Washington, DC 20515

Dear Colleagues:

This responds to your letter dated September 18, 2015, to the Committee on Ethics (Committee) seeking guidance on the applicability of the House ethics rules on proposed regulations for officially-sanctioned competitions that the Committee on House Administration (CHA) is considering adopting. This letter follows and elaborates on informal advice you have previously been given by Committee counsel.

The proposed regulations authorize Members to use official resources to participate in and support academic or civic competitions meant for constituent participation and sponsored by a non-congressional person or entity as long as the competition meets certain criteria as approved by the Chair and Ranking Member of CHA. Included in the proposed regulations is a provision that permits Members to solicit for donations to support a competition approved by CHA on the condition of receiving written approval from the Committee.

As you are aware, official funds may be used only for the purposes appropriated.¹ House rules impart jurisdiction over the proper expenditure of money appropriated to the House to CHA.² Members, officers, and employees of the House are generally prohibited from soliciting for donations, whether monetary or in-kind, from or on behalf of another unless the Committee approves the solicitation.³ To the extent that the proposed regulations raise questions within the

¹ 31 U.S.C. § 1301(a).

² House Rule 10, cl. 1(k).

³ 5 U.S.C. § 7353.

The Honorable Candice S. Miller
The Honorable Robert A. Brady
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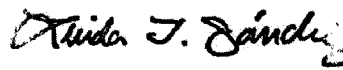
jurisdiction of the Committee, we conclude that the proposed regulations are consistent with the House rules and other standards of conduct.

If you have any further questions, please contact the Committee's Office of Advice and Education at extension 5-7103.

Sincerely,



Charles W. Dent
Chairman



Linda T. Sanchez
Ranking Member

CWD/LTS:kd

The CHAIRMAN. And I would ask unanimous consent as well that the staff be authorized to make technical and conforming changes to the measure the Committee just considered and to make other modifications with the concurrence of the ranking minority member of the Committee and notification to all members of the Committee.

Without objection, so ordered.

Any other comments from any members? If not, this concludes the fastest markup in this Committee's history, I think.

Without objection, the meeting is adjourned. Thank you. And thank you all for coming.

[Whereupon, at 11:06 a.m., the Committee was adjourned.]